

Article - Public Utilities

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§10–104.

- (a) (1) An applicant for a for-hire driver's license shall:
 - (i) submit to the Commission a completed application on the form that the Commission provides;
 - (ii) state on the form that the applicant is applying for a passenger-for-hire driver's license or a taxicab driver's license;
 - (iii) pay to the Commission an application fee set by the Commission;
 - (iv) file with the application two recent photographs, of a size that may be easily attached to the license; and
 - (v) apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a State criminal history records check as provided in subsection (b) of this section.
- (2) The Commission shall:
 - (i) require a driving record check of the applicant;
 - (ii) attach one of the photographs to the for-hire driver's license when issued; and
 - (iii) file the other photograph with the for-hire driver's license application in the Commission's office.
- (b) (1) As part of the application for a criminal history records check, the applicant shall submit to the Central Repository:
 - (i) one complete set of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository; and
 - (ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records.

(2) (i) In response to an application for an initial criminal history records check, the Central Repository shall provide to the Commission and the applicant a printed statement of the applicant's State criminal record.

(ii) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Commission and the applicant or licensee a revised printed statement of the applicant's or licensee's State criminal record.

(3) In accordance with regulations adopted by the Department of Public Safety and Correctional Services, the Commission shall verify periodically a list of licensed for-hire drivers.

(4) Information the Commission obtains from the Central Repository under this subsection shall be:

(i) confidential and may not be redisseminated; and

(ii) used only for the licensing purposes described in this title.

(5) (i) As provided by this paragraph, an applicant for a for-hire driver's license or a licensee may contest the contents of a printed statement or a revised printed statement issued by the Central Repository.

(ii) To contest the contents of a printed statement or a revised printed statement, an applicant or a licensee shall contact the office of the Secretary of Public Safety and Correctional Services, or the Secretary's designee.

(iii) The Secretary of Public Safety and Correctional Services, or the Secretary's designee, shall:

1. convene a hearing within 20 workdays, unless subsequently waived by the applicant or the licensee; and

2. render a decision within 5 workdays after the hearing.

(iv) For the purposes of this paragraph, the record of a court disposition or a copy of the record certified by the clerk of the court or by a judge of the court in which the disposition occurred shall be conclusive evidence of the disposition.

(v) In a case where a pending charge is recorded, documentation provided by a court to the Secretary of Public Safety and Correctional

Services, or the Secretary's designee, that a pending charge for a crime which has not been finally adjudicated shall be conclusive evidence of the pending charge.

(vi) Failure of the applicant or a licensee to appear at the scheduled hearing shall be considered grounds for dismissal of the contest.

(6) (i) In addition to a State criminal history records check under this subsection, and subject to Title 10, Subtitle 2 of the Criminal Procedure Article, the Commission may require an applicant to obtain a criminal history records check from the Federal Bureau of Investigation, through the Department of Public Safety and Correctional Services.

(ii) An applicant who is required by the Commission to obtain a criminal history records check from the Federal Bureau of Investigation under subparagraph (i) of this paragraph shall:

1. apply to the Central Repository of the Department of Public Safety and Correctional Services for a national criminal history records check;

2. submit to the Central Repository one complete set of the applicant's legible fingerprints taken on forms approved by the Director of the Federal Bureau of Investigation; and

3. submit to the Central Repository the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(7) The Commission may use a private agency to provide a background check on an applicant or licensee under this section, as determined by the Commission.

(c) (1) After the initial printed statement has been received from the Central Repository, the Commission shall issue a passenger-for-hire driver's license or a taxicab driver's license, as appropriate, to each applicant that meets the requirements of this title.

(2) The passenger-for-hire driver's license and the taxicab driver's license shall be in the form that the Commission provides.

(d) (1) This subsection applies only in Baltimore City.

(2) On or after July 1, 2002, an individual applying for a taxicab license or renewal of a taxicab license shall submit proof of having successfully completed a course approved by the Commission that includes in the curriculum:

(i) courteous treatment of passengers;

(ii) geography and map reading for the jurisdiction in which the taxicab services will be provided; and

(iii) tourist information for the jurisdiction in which taxicab services will be provided.

(e) The Commission may deny an applicant a license or suspend or revoke the license of a licensee if the applicant or licensee has been convicted of a crime that bears a direct relationship to the applicant's or licensee's fitness to serve the public as a for-hire driver.

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